

San Francisco District U. S. Army Corps of Engineers
Mitigation Bank Review Team
Information Coversheet to Bank Applicants for
Wetland and Other Banking Proposals

Revised September 5, 2006

Emailed August 22, 2005

This package contains descriptions and information requirements to initiate the development of mitigation and conservation banking proposals in the San Francisco District of the U. S. Army Corps of Engineers and review by Federal and State Agencies. This package contains a checklist of information requirements for submitting a Conceptual Bank Proposal, a Preliminary Bank Proposal, or a draft Bank Enabling Instrument (BEI) package. **Please follow the instructions carefully.** Initially, EITHER a Conceptual Bank Proposal or a Preliminary Bank Proposal may be submitted. **A Preliminary Proposal must be submitted to the Mitigation Bank Review Team (MBRT) and tentatively accepted by the MBRT prior to submittal of a draft Bank Enabling Instrument (BEI) package.** The following policy applies to all amendments to existing banks and already proposed banks.

Definitions:

Conceptual Proposal (optional) – A brief, concept level proposal submitted when just scoping the concept of a bank, contemplating pursuing a bank idea or for those new to the banking process.

Preliminary Proposal (required) – should be submitted when a banker has a definite proposal. **A Preliminary Proposal must be submitted prior to submitting draft BEI.**

Draft BEI - The complete Banking Agreement and all Exhibits submitted for agency approval.

Please contact Philip Shannin at the San Francisco District of the U. S. Army Corps of Engineers at (415) 977-8445 or Philip.A.Shannin@spd02.usace.army.mil to arrange a time to be placed on the agenda for a MBRT meeting or to schedule a site visit for the jurisdictional verification. **The site visit for the jurisdictional verification must occur prior to submittal of a Preliminary Bank Proposal.** The MBRT meetings for the SF Corps District are held the 3rd Tuesday of each month. Bring fifteen (15) copies of the completed information for a Conceptual Bank Proposal or Preliminary Bank Proposal to the MBRT meeting at your scheduled time. Following review, the MBRT will respond as to whether the proposal is tentatively accepted and a full draft BEI package may be prepared. The MBRT may also request additional information if the Conceptual or Preliminary Bank Proposal raises additional questions or issues.

The Conceptual Proposal or Preliminary Proposal must be emailed out at least 7 days prior to a scheduled time at an MBRT meeting. If Proposals are not received and complete prior to the MBRT meetings, your scheduled time will be postponed. A draft BEI must be received by all agencies and reviewed for completeness prior to scheduling time on the MBRT agenda. The email list is:

Name	Email address
Liam Davis	ldavis@dfg.ca.gov
Katerina Galacatos	Katerina.Galacatos@spd02.usace.army.mil
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**San Francisco U. S. Army Corps of Engineers District
Mitigation Bank Review Team
Conceptual Bank Proposal Information Requirements
For Bank Applicants for
Wetland and Other Banking Proposals**

*Revised August 16, 2005
Emailed August 22, 2005*

Please refer to the “DRAFT Information Coversheet to Bank Applicants for Wetland and Other Banking Proposals, *August 16, 2005*” for information and instructions related to the submission of these information requirements for a Conceptual Bank Proposal.

The following are the submission requirements for a Conceptual Bank Proposal:

1. Proposed Bank Name – Use a short name based on a geographic feature if possible
2. Bank contacts – Include the name, address, phone, fax, email, and role in project for AT LEAST ONE contact: the contact may be the Bank Applicant, Land Owner, Consultant, etc.
3. General location map and address of the proposed bank property
4. Accurate current map of the proposed bank property on a 7.5 minute USGS map showing boundaries of the bank.
5. Aerial photo of the bank and surrounding properties
6. Map of the proposed bank service area
7. Site conditions description. This should include a BRIEF description of the site conditions and habitats and species known or potentially present, and may include photos of the site, description of wetlands and waters present on site, hydrology description, number of acres of existing wetlands and waters and what is proposed for creation, enhancement, etc., site history including past land uses, surrounding land uses and zoning along with the anticipated future development in the area.

Advisory – Following Agency’s review of this material, additional information may be requested in a Preliminary Bank Proposal.

**San Francisco U. S. Army Corps of Engineers District
Mitigation Bank Review Team
Preliminary Bank Proposal Information Requirements
For Bank Applicants for
Wetland and Other Banking Proposals**

*August 16, 2005
Emailed August 22, 2005*

Please refer to the “DRAFT Information Coversheet to Bank Applicants for Wetland and Other Banking Proposals, *August 16, 2005*” for information and instructions related to the submission of these information requirements for a Preliminary Bank Proposal.

The following are the submission requirements for a Preliminary Bank Proposal:

1. Proposed Bank Name – Use a short name based on a geographic feature if possible
2. Bank contacts – Include the name, address, phone, fax, email, and role in project for:
Bank Applicant, Land Owner, Consultants, etc
3. General location map and address of the proposed bank property
4. Accurate current map of the proposed bank property on a 7.5 minute USGS map showing boundaries of the bank.
5. Aerial photo of the bank and surrounding properties
6. Map of the proposed bank service area
7. Site conditions description. This should include: site conditions and habitats, photos of the site, description of wetlands and waters present on site, hydrology description, number of acres of existing wetlands and waters and what is proposed for creation, enhancement, etc., site history including past land uses, surrounding land uses and zoning along with the anticipated future development in the area.
8. Proposed number and kind of mitigation credits (and acres) on the property
9. Proposed credit release schedule
10. Biological resource survey report – if species credit are proposed or species will be impacted, include this report.
11. Corps-verified map of on-site jurisdictional wetlands and waters
12. Preliminary Title Report indicating any easements or other encumbrances. Note, any liens and easements on the property that may affect a bank’s viability will need to be resolved before a bank can be approved. Provide a written assessment of all easements and encumbrances describing the easement and how it may affect bank operation or habitat values.
13. Any other restrictions on the property
14. An affirmative statement that a conservation easement covering the property or fee title transfer of the property will occur as part of bank establishment. Include number of acres of “functional” bank area based on exclusion of any easement areas that allow uses incompatible with conservation.

Advisory – Following Agency’s review of this material, additional information may be requested or the Agencies may provide tentative approval and recommend a complete draft Bank Enabling Instrument package be prepared.

Advisory – To complete item #11, a Corps personnel field visit is required.

San Francisco U. S. Army Corps of Engineers District
Mitigation Bank Review Team
DRAFT Bank Enabling Instrument Requirements
For Bank Applicants for
Wetland and Other Banking Proposals

August 16, 2005
Emailed August 22, 2005

Please refer to the "DRAFT Information Coversheet to Bank Applicants for Wetland and Other Banking Proposals, *August 16, 2005*" for information and instructions related to the submission of these information requirements for a draft BEI.

The following are the submission requirements for a draft BEI:

Draft BEI materials should be in a 3 ring binder containing all the following information and documents

The draft package includes electronic, editable format of the Bank Agreement, Conservation Easement, and other applicable template-derived documents generated by the Bank Operator or their agent(s), not to include figures and maps.

Banking Agreement Document – revised BEI template dated 7-14-2005 with the following exhibits.

1. "Exhibit A", Bank Location, parcel map, and legal description of the parcel;
 - a. General location map of the proposed bank property
 - b. Accurate current map of the proposed bank property on a 7.5 minute USGS map showing boundaries of the bank
 - c. Aerial photo of the bank and surrounding properties.
2. "Exhibit B", Bank Development Plan, service area, and all subsequent revisions and addenda thereto, as identified by the MBRT;
 - a. Document that describes the current site conditions and proposed wetland/habitat construction, establishment, and monitoring activities (including success criteria) to obtain successful wetland/habitat establishment.
 - b. Drawing of proposed constructed wetlands and/or other habitat.
 - c. Service Area Map - Map of the proposed bank service area
3. "Exhibit C", Conservation Easement;
4. "Exhibit D", Financial Assurances;
 - a. Financial Assurances Analysis and Schedule
 - b. Performance Security
 - c. Contingency Security
 - d. Declaration of Trust (may be required by federal agencies) (*Note added by DFG: Endowment monies held by DFG are held in trust by law)

5. "Exhibit E", Summary of Habitat Acreages;

6. "Exhibit F", Bank Closure Plan (what happens to the bank property when final credits are sold, who holds the land, financial arrangements, etc.);

a. Acknowledgement of Sale of Credits Form

7. "Exhibit G", Table of Credits;

8. "Exhibit H", Title Report;

a. Preliminary Title Report, a current title report listing all exceptions and encumbrances to the proposed bank property. (*Note, any liens and easements on the property that may affect a bank's viability will need to be resolved before a bank can be approved.)

(1) County assessor map of the bank property

b. Title Insurance Policy is insurance to protect the grantee's interest in the proposed bank property

c. Acknowledged Property Assessment – Bank Owner shall identify and acknowledge the number of acres on the property that the Owner warrants as available for conservation purposes in accordance with the BEI.

d. Legal description

e. Discussion of any pertinent restrictions on the property

9. "Exhibit I", Level 1 Environmental Contaminants Survey;

10. "Exhibit J", Credit Sale Confirmation/Agreement and Conservation Credit Accounting Spreadsheet, Mitigation Payment Transmittal Form, Instructions for Invoicing;

11. "Exhibit K", Cultural Resources Survey Report;

12. "Exhibit L", Map of pre-existing jurisdictional Wetlands and Other Waters;

a. U.S. Army Corps of Engineers verified map of on-site jurisdictional wetlands and waters (Corps personnel field visit REQUIRED)

13. "Exhibit M", Letters of Debt Subordination;

14. "Exhibit N", Management Plan (management and monitoring in perpetuity based on endowment).
Explanation of endowment amount (how it was derived, including any calculations and corresponding explanation of them, or a Property Analysis Record (PAR) or Annual Funding Estimate)